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6. (Amended) The isolated nucleic acid molecule of claim 5, wherein the plant promoter is from a *FIE3* gene.

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8. (Amended) The isolated nucleic acid molecule of claim 1, wherein the polypeptide is SEQ ID NO:4.

~~sub 3a~~ 9. (Amended) A transgenic plant comprising an expression cassette containing a plant promoter operably linked to the polynucleotide of claim 1, wherein the polynucleotide is heterologous to the plant promoter or the plant.

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~~B~~ 11. (Amended) The transgenic plant of claim 10, wherein the polypeptide is as shown in SEQ ID NO:4.

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~~B~~ 14. (Amended) The transgenic plant of claim 13, wherein the *FIE* gene is as shown in SEQ ID NO:3.

~~sub 3b~~ 15. (Amended) A method of modulating endosperm development in a plant, the method comprising introducing into the plant an expression cassette containing a plant promoter operably linked to the polynucleotide of claim 1, wherein the polynucleotide is heterologous to the plant promoter or the plant.

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17. (Amended) The method of claim 15, wherein the polypeptide has an amino acid sequence as shown in SEQ ID NO:4.

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19. (Amended) The method of claim 15, wherein the heterologous *FIE* polynucleotide is SEQ ID NO:3.

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22. (New) The isolated nucleic acid molecule of claim 1, wherein the polypeptide is at least 80% identical to SEQ ID NO:4.

23. (New) The transgenic plant of claim 9, wherein the polypeptide is at least 80% identical to SEQ ID NO:4.

24. (New) The method of claim 15, wherein the polypeptide is at least 80% identical to SEQ ID NO:4.